MEETING OF THE
PLANNING COMMITTEE

Civic Suite, Parkside

28 November 2013

PRESENT:

PM Chandler (Chair), P Baguley,
G Bush, P Cumbers, A Freer-Jones, E Holmes,
T Moncrieff, J Illingworth, J Simpson, J Wyatt,

Observing Cllr: J Orson

Solicitor to the Council (VW), The Head of Regulatory Services
Applications and Advice Manager (JW), Planning Officer (DK)
Planning Policy Officer (KM), Administrative Assistant (JB)

D44. APOLOGIES FOR ABSENCE

Cllr G Botterill

D45. MINUTES

D39 SCHEDULE OF APPLICATIONS: Application 13/00514/FUL:
Cllr Holmes stated that her comments relating to her reason for refusal on page 62 were incorrect and wished to amend them to say that the siting was 'inappropriate' rather than 'incorrect'. Subject to this amendment Cllr Holmes proposed approval of the Minutes of the meeting on 7 November 2013. Cllr Bush seconded the proposal.
It was agreed that the Chair signed them as a true record.

D46. DECLARATIONS OF INTEREST

None

D47. SCHEDULE OF APPLICATIONS

(1) Reference: 13/00276/FUL
Applicant: Mr S Mair - Agent
Location: Lionville Brickworks – Field No's 6475 and 7262 Eastwell Road, Scalford
Proposal: Redevelopment of the former Lionville Brickworks and construction of a fishing lake plus 10 luxury log cabins cafe/clubhouse.

(a) The Head of Regulatory Services stated that:

Amended plans had been received the previous day which necessitated the consultation process to be undertaken again and therefore he recommended that the Members defer the application until a later date when the amendments had been properly considered; he added that the application was unlikely to come back to the Committee before Christmas.

Cllr Moncrieff requested that the site undergo a contamination sweep due to concerns regarding ammunition dumped on the site. He added that he would like to see further information regarding the biodiversity on the site.

Cllr Moncrieff **proposed to defer the application**. Cllr Cumbers **seconded the proposal to defer**.

A vote was taken: 9 in favour of deferment and 1 abstention.

DETERMINATION: DEFER, to allow consultation to take place on the revised plans.

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(2) Reference: 13/00578/FUL
Applicant: Brooksby Melton College
Location: Brooksby Melton College, Hoby Road, Brooksby, Melton

Mowbray, Leicestershire LE14 2LJ

Proposal: **New Educational development comprising - multipurpose buildings, sports hall, new campus access road, associated works and 3G Sports pitch.**

(a) The Planning Officer stated that:

There is a typing error on page 11 the 5th paragraph down should read 'Each building is designed to meet a BREEAM target of excellent'

The Highways Authority has removed their contribution request for monitoring of a Green Travel Plan. Excepting that education facilities fall outside of the policy requirements to provide a contribution.

There are no further updates to report.

The application seeks full planning consent for the erection of a new multi purpose education facility and outline consent for a 3G sports pitch at the Brooksby Melton College site at Brooksby.

Brooksby Melton College are seeking to improve the education facilities through consolidating the two sites at Brooksby removing the need for students and staff to travel between the two sites, crossing the A607.

The Spinney Road campus is to relocate to the proposed new campus within the grounds of the main campus – Brooksby hall. This new campus will improve the education facilities on offer allowing the college to compete with other colleges which will aid to improve the long term sustainability of the college

The design of the buildings are specific for each function and have been positioned so as to not have a detrimental impact upon the setting of the listed buildings on site or its rural location. Satisfactory access and parking can be achieved and flood risk mitigation has been provided in the form of raised floor levels and incorporation of SUDs.
Accordingly it is recommended for approval as outlined within the report.
*3G – Third Generation - synthetic turf pitch - 3G is composed of a quartz sand and rubber granule mixture layered into the pitch. This scientifically advanced combination provides effective protection and additional impact absorption.

(b) Mr Ball, Principle and Chief Executive of Brooksby Melton College, was invited to speak and stated that:

- The Officer's report covers all the planning aspects of the application however the critical importance of this application should be emphasised
- The improvements would be a major step towards achieving its objective of being a leading facility of its type in the Country
- Application will replace the semi-derelict Spinney site and stop the need for students and staff to move between campus' over the A607
- The new buildings will include sports facilities made available to both students and the public
- The College has secured significant funding from central government and can implement the scheme straight away
- The College has come a long way in a short time, there is still much to do and the next phase will be improving the listed buildings on the site in the future
- The application is critical to providing class leading facilities at Brooksby College.

Cllr Cumbers asked what new courses would be available to students as a result of the improvements.

Mr Ball replied that the new sports facilities (including the outdoor facilities) will enable Level 2 and Level 3 courses in sports to be run. New agricultural courses are being developed in line with new government policies. Improved provisions for students with learning difficulties and disabilities are planned; some existing buildings are not fit for purpose or sustainable.

Cllr Cumbers asked about the provision of mechanics courses and the like.

Mr Ball replied that the engineering provision is disparate and the application will enable the College to bring these aspects together and develop a higher level qualification with industry links.

Cllr Cumbers asked if the existing semi-derelict buildings will be removed.

Mr Ball replied that the capital funding from the government does not cover the demolition of old buildings so the College are finding extra funding for this.

Cllr Holmes said it was an exciting proposal. She went on to ask about the landscaping of the new development and the impact on the listed buildings.

Mr Ball replied that they had taken advice on the setting of the listed buildings and have designed the development to blend with existing facilities and use landscaping to soften the impact.

Cllr Freer-Jones asked about the ease of access for students from Melton; she asked if there was a travel plan in place to help students who will be displaced from the Melton campus to the Brooksby campus.

Mr Ball replied that the number of students at the Melton campus affected is not significant but there are a range of interventions in place to enable access to Brooksby including a regular bus service during College hours.

A Member asked about the proposals for the perimeter road which is currently single track and insufficient for the added traffic that could be expected from the increase in buildings accessible from it.

The Planning Officer replied that passing places we proposed along the track. She noted that the County Highways department had commented on the low level of expected use and had requested the passing bays.

Cllr Holmes noted that the design of the buildings is appalling but they are functional. She congratulated the Principle of gaining government funding. She went on to say that although the buildings are completely different Members had to look to the future. She **proposed approval of the application**.

Cllr Moncrieff stated that it was an exciting scheme that will enhance the opportunities for students. He **seconded the proposal to approve the application**. He went on to say that he expected the College to attract students from all over the Country.

The Chair noted that students from Bottesford find it difficult to reach the Brooksby campus for the early starts to classes due to the bus network.

Members discussed the application including: the network of paths around the site, the new opportunities created for students at the site and concerns regarding the possible use of the Spinney site in the future since semi-derelict buildings would not be demolished.

The Planning Officer replied that the network of paths around the site include cycle-ways and footpaths and improve the accessibility around the site. She went on to say that the buildings at the Spinney site could still be used by the College if they wanted but development would be subject to planning permission.

The Applications and Advice Manager stated that the Spinney site did not form part of the application before the Members and that this application had to be considered

as it was before them.

The Head of Regulatory Services assured Members that development at the Spinney site would form a lanning application that would be subject to the usual policy on development in the open countryside.

On being put to the vote the application was approved unanimously.

DETERMINATION: APPROVE, for the following reasons:

The proposal seeks to expand existing educational facility within a rural location that specialises in skills around land based occupations. The design of the new campus has been informed by the constraints of the site being sited close to the River Wreake whilst taking into account the setting of Heritage Assets and the rural location. It is considered that the benefits associated with the proposal such as increasing student capacity and skills outweigh its unsustainable location being located outside of the town. The proposal is considered to be fully compliant with the development plan and NPPF and successfully mitigates against flood risk, impact upon the character of the area, addresses highways matters through providing adequate parking and access to the site.

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(3) Reference: 13/00140/FUL
Applicant: Mr Mark Curtis Bennett
Location: Firdale Farm, 9 High Street, Somerby, LE14 2PZ
Proposal: Demolition of existing barns and out-buildings alteration and refurbishment of 2 existing dwellings and erection of 5 new dwellings.

(a) The Planning Officer stated that:

There are no updates to the report.

This application relates to full planning permission for the redevelopment of Firdale Farm which sits within the conservation area with the residential garden area lying outside of the village envelope for Somerby.

The proposal seeks consent for the alteration and extension of the existing dwelling to create a large 7 bed dwelling to be occupied by the applicant and provide an attached 2 bed cottage for parents to live along side. The remainder of the outbuildings which includes the former grooms' accommodation will provide a further dwelling with the demolition of the cart sheds to allow for the erection of 4 new 3 bed

dwellings. The five smaller dwellings will be constructed to comply with life time home standards.
The large dwelling is not considered to meet the Borough's housing needs however the existing dwelling, whilst of a modest size, is not within easy reach of a person seeking to purchase a three bedroom property due to the size of the holding and in that regards it is not considered that the existing dwelling assists with the current housing needs for smaller properties in the rural south.
The attached cottage whilst a 2 bedroom dwelling could be available on the open market however it is intended to be occupied by the applicants parents and because of the arrangement being attached to the larger dwelling it is doubtful that it would enter the open market as a separate dwelling.
It is considered that the large dwelling would have the effect of being neutral in regards to impact upon housing needs as it neither adds to the oversupply or contributes to housing need and acts as a replacement for the existing dwelling.
The benefits of approving the proposal are the creation of 5, 3 bed dwellings to life time home standards. This type of property is considered to fulfil part of the Borough's housing needs through providing dwellings that could assist with those seeking to downsize or those with mobility problems. It is not considered that a refusal on housing needs could be sustained in this instance.
The larger dwelling straggles the village envelope and the proposed access lies outside of it also, however the land is used as residential garden and it is not considered to be open countryside designation. Village envelopes were tightly drawn around the built form and it is not unusual to have village envelopes dissecting the buildings from garden areas.
The Conservation Officer is satisfied that the design of the proposal is of a high standard and preserves and enhances the conservation area making a positive contribution on the setting of the grade 1 church.
The amended plans seek to provide two separate accesses. The five smaller units will utilise the existing access from High Street whilst the larger dwelling and cottage would gain access from Church Lane. Part of the existing wall will be removed with a set-back gateway to allow vehicles to pull in off the lane; this could also act as passing bay on the lane, improving the situation near the farm.
The County Highways authority has not objected to this amended proposal but considers that the removal of any agricultural use from the site would offer highway gains in reducing traffic generation. The domestic use is not considered to have a material increase in vehicle use along the lane and it would be difficult to resist from a highways safety view point.
Accordingly the application is recommended for approval as set out within the report.

(b) Cllr John Crosby, Councillor for the parish Council, was invited to speak and stated that:

- There are many concerns about the increase in traffic especially on a lane that already sees farm traffic, horses, horse-boxes etc
- Concerns that the extra traffic will also affect the road junctions in the area
- A better single access arrangement for all the properties would be preferred rather than a separate access to Church Lane for some of the dwellings.

(c) Mr Strangeway, agent to the applicant, was invited to speak and stated that:

- The client wishes to live in the larger house themselves, he has lived in the village all his life and his family have farmed there for 3 generations
- County Highways have been consulted and find the access arrangements acceptable
- The proposal will result in no farming activities at the site in future and therefore a reduction in farm traffic in the area offsets any increase of traffic from the development
- The new development straggles the VE but these parts are within the current curtilage of the house
- The character of the area is enhanced by having a substantial, quality development of this type built fronting onto an important open space.

Cllr Simpson asked if all farming will cease on the site.

Mr Strangeway replied that site would only be residential in future.

Cllr Simpson asked about any further proposals to open sections of the wall onto Church Lane.

Mr Strangeway replied that a specific area would be removed as the amended drawing and no further changes were proposed to the wall.

The Planning Officer confirmed that the County Highways noted that the development would result in a 'highway gain' as farm traffic would be removed from the Lane.

The Applications and Advice Manager confirmed that access to Church Lane for 2 dwellings and access to High Street for 5 dwellings formed part of the application.

Cllr Holmes stated that she was pleased that the development was proposed to be built in stone, which will enhance the area. She went on to say that she was flummoxed that the farm buildings were to come down, however they hadn't been

used for years and farm traffic to and from the farm had not been an issue in recent times. She stated concerns concerning traffic off Church Lane and visibility issues. She **proposed refusal of the application**.
Cllr Moncrieff **seconded the proposal to refuse the application** stating that he shared the concerns regarding traffic but wished to add concerns regarding contravention of policy OS2 and the issue that the development would not meet identified housing need in the area.

Cllr Holmes agreed with the amended reasons for refusal.

The Applications and Advice Manager noted that the County Highways comments had not raised concerns concerning highway safety and that the 3 bedroom size, questioned by Cllr Moncrieff, was relating to the increased size according to the Life-Time Homes standards which enabled wheelchair compliant room sizes.

Cllr Moncrieff thanked The Applications and Advice Manager for the clarification but pointed out that the report from the County Highways left issues for debate concerning planning balance and local concerns. He asked for more information regarding housing needs, relating to the village specifically.

The Planning Policy Officer stated that there was an identified need for 2 and 3 bedroom properties in the area.

Members debated the village residents' concerns regarding traffic, pointed out that farm vehicles had changed dramatically in recent years and issues about the access from Church Lane.

The Applications and Advice Manager noted that an access track to Church Lane could be made under 'permitted development rights' and without a planning application. She went on to clarify that the County Highways report takes account of the possible uses of the site rather than the recent history of the site and that results in an overall reduction in traffic from farm related vehicles to residential vehicles.

Members disagreed on the interpretation of the County Highways report and the planning balance of the development against the housing need. Members did note that building a 7 bedroom house on the site was contrary to identified housing need.

The Applications and Advice Manager confirmed the reasons for refusal.

Cllrs Holmes and Moncrieff agreed.

A vote was taken: 5 voted to refuse the application, 4 for the application and 1

abstention.

DETERMINATION: REFUSE, for the following reasons:

1. **The proposal, if permitted, is likely to result in an increase in the number of vehicles using Church Lane which is narrow in design, has no formal turning facilities and has poor visibility at its junction with High Street for the speed at which vehicles approach the junction. This could result in additional dangers to road users and would not be in the best interests of Highway safety.**

2. **In the opinion of the local planning authority the proposed type of houses, Plots 2, 3, 4 and 5, do not address the imbalance of stock type and size of dwellings required to reflect the housing needs of the area. The Housing Stock Analysis conducted in 2006 clearly demonstrates that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough and the rural south of the Borough. Accordingly the proposal fails to contribute to a sustainable and balanced housing market and is therefore considered to be contrary to the objectives of the NPPF.**

3. **In the opinion of the Local Planning Authority the proposed seven bedroom dwelling, if approved, would result in the creation of a residential dwelling on land partly within the open countryside, outside the designated Village Envelope. This would represent in an unwarranted extension into the surrounding countryside which contributes to the village setting and would be detrimental to the rural character and appearance of the village, and detrimental to the character of the countryside. The proposal is therefore contrary to Policy OS2 of the adopted Melton Local Plan, and no material considerations are present which suggest that the decision should depart from these plans.**

D48. **ADDITIONAL REPORT**

151/919/7: Confirmation of TPO at 5 Sandy Lane, Scalford

(a) The Applications and Advice Manager stated that:

This report is to request that a Tree Preservation Order be issued on a Willow Tree

at 5 Sandy Lane, Scalford.

Since publication of the report an email has been received from the owner of the tree who has requested that the Committees attention is drawn to the following;

- Application 11/00864/TCA arose due to asking the Council to consider the environmental value of the tree compared with the contribution of PV panels fitted to the bungalow roof which is shaded by the willow. They was advised that there was no criteria to consider the relative benefit to the environment and if they did not withdraw the application a TPO would be applied. They were not advised that a report had been issued saying that the regrowth could be removed.

- The latest application resulted from an 8 inch diameter branch falling from the upper part of the tree into the garden. When speaking MBC they were advised to issue a 5 day notice under the Dead or Dangerous Tree process which resulted in a TPO being raised. They were advised to raise a further 5 day notice to reduce the tree which eventually resulted in the pollarding process.

- Questions what in Para 6.1 does the phrase "Responses to any publicity should be considered" mean, and how can it be allowed to impact the process of managing this tree?

- The amenity value of the tree depends on the individuals view point , it is not an absolute. Neighbours in 11, Church Street do not consider the tree an amenity due to the overhang and leaf drop on their property. Pedestrians on Church Street do not consider it an amenity when they have to move branches to walk down the pavement or when they read the Parish Notice board.

- The 2011 report states the tree "is in the middle stage of its life cycle" but we have photos that show the tree was mature before 5 Sandy Lane was built in 1976, so at more than 37 years old the tree is well onto the end of its life cycle, which is generally stated as 40 years maximum.

- They are concerned that it is the age of the tree that caused the failure of the apparently healthy branch and as a tree reaching the end of its natural life with its reduced aesthetic appeal it is not suitable for a TPO.

In respect of paragraph 6.1 this refers to the guide to law and practice in respect of

trees which states that responses to publicity in respect of works to trees should be considered.

It is considered that the tree is in good health and has a amenity value to Church Lane and the Conservation Area for Scalford. As such it is requested that the Preservation Order be confirmed.

(b) Mrs Bryant, speaking on behalf of the Parish Council, was invited to speak and stated that:

- This tree is the most significant tree in the village envelope
- She was devastated to see what had happened to it lately
- Previous owners had pruned the tree better
- This is almost the only tree left on the street.

The Applications and Advice Manager noted that the Arboricultural Officer had stated that regrowth during the next year would conceal the harsh pruning recently undertaken.

Cllr Moncrieff **moved to confirm the TPO** as per the Officer's report.

Cllr Holmes **seconded the move to confirm the TPO**.

DETERMINATION: CONFIRM the TPO, for the following reasons:

In view of the advice given by the arboricultural advisor, regarding the tree's good health and both current and future amenity value to Church Lane and the Conservation Area within Scalford, the Tree Preservation Order should be confirmed. This would not prevent applications for works in future, supported by relevant information.

D49. URGENT BUSINESS

None.

The meeting commenced at 6.00 p.m. and closed at 7.10pm.